

REMARKS

After the foregoing amendment, claims 1-7, 12, 14-20, 25, and 27-34 are currently pending in the present application. Claim 1 is currently amended, no claims are canceled, and
5 claims 8-11, 13, 21-24, and 26 are withdrawn. Applicant has added no new matter by the amendment. Applicant respectfully traverses Examiner's determination of finding fifteen "patentably distinct species" described as Species A through O. Applicant provisionally elects species E, but notes that the claims may be found to read upon species A-G, but not H-O.

In support of this election, Applicant respectfully notes section 806 of the MPEP entitled
10 "Species Must Be Patentably Distinct From Each Other" states:

"In a national application containing claims directed to more than a reasonable number of species, the examiner should not require restriction to a reasonable number of species unless he or she is satisfied that he or she would be prepared to allow claims to each of the claimed species over the parent case, if presented in a divisional application filed
15 according to the requirement. Restriction should not be required if the species claimed are considered clearly unpatentable over each other."

MPEP § 806.04(h), emphasis included.

The U.S. Patent Rules provide for multiple species in patent applications in a section
20 entitled "Different inventions in one national application," 37 C.F.R. § 1.141:

(a) Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed
25 species and all the claims to species in excess of one are written in dependent form (§1.75) or otherwise include all the limitations of the generic claim.

This section allows an applicant to disclose and claim multiple species within one patent application.

30 In the present application, Applicant has disclosed various arrangements of ballistic panels and various materials with which these panels may be made. Novel panels are assembled in novel ways to provide increased protection against projectiles. The figures merely illustrate embodiments of broader concepts disclosed throughout the application.

For example, Applicant respectfully draws Examiner's attention to the similarity between Figures 1 and 9 wherein multiple panels are stacked to resist a projectile. Examiner has asked for a restriction based upon the only apparent distinction being the addition or substitution of ballistic panel 17. Specifically, Examiner has found a species A in Fig.1 and a separate species C in Fig.9. Examiner has found yet a further species B in Fig.2 wherein Fig.2 illustrates the Fig.1 panels fully assembled. It makes little sense to find species B different from species A as outlined in Examiner's restriction requirement.

In another example, Examiner has found a separate species D in Fig.12 which may have a similar functionality as the alleged species C in Fig.9. Likewise, Examiner's species E of Fig.15 is remarkably similar to so-called species B of Fig.2. However, Fig.15 appears to teach a generic arrangement of multiple panels bundled together such as is shown in Fig.2 (so-called species B), Fig.6 (so-called species K), Fig.8 (so-called species O), Fig.11 (so-called species M), Fig.17 (so-called species F, and Fig.18 (so-called species G). In these examples, there seem to be differences without any distinctions, at least none articulated by the Examiner. Therefore, reconsideration of these non-distinct species is respectfully requested.

Finally, the Examiner has found several allegedly distinct species in the remaining figures including the panel of "c" rings in Fig.3 (species H), the panel of "o" rings in Fig.4 (species I), the connected "o" rings in Fig.5 (species J), the panel of "o" rings sandwiched between other material in Fig.7, and the panel of spring coils in Fig.10 (species L). Again, these species illustrate variations or examples of a broader invention.

Applicant has addressed all of the restriction requirements raised by the Examiner in the Office Action dated June 28, 2005. Reconsideration of the restriction requirement in which Examiner has found many species is respectfully requested. Applicant believes species all species (A-O) rightfully belong to one class of invention and should be included within the

present application. Accordingly, it is respectfully submitted that the present application is in condition for examination on the merits and such action is respectfully requested.

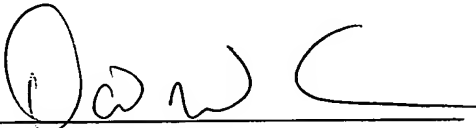
CONCLUSION

If there are any outstanding issues that the Examiner feels may be resolved by way of
5 telephone conference, the Examiner is invited to call John C. Meline or David W. Carstens at the
below-listed telephone number if in the opinion of the Examiner such a telephone conference
would expedite or aid the prosecution and examination of this application.

The Commissioner is hereby authorized to charge any payments that may be due or credit
any overpayments to CARSTENS & CAHOON, LLP Deposit Account 50-0392.

Date: Sept. 28, 2005

Respectfully submitted by:



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